

Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 SCS-03 SCA-01 PPT-01 SY-05 SCCT-01

AID-05 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 /072 W

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R 030909Z APR 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1890

C O N F I D E N T I A L MANILA 4159

E.O. 11652: GDS

AGS: PINT, RP, CASC (LEHMAN, AUGUST MCCORMICK JR.)

SUBJECT: REINVESTIGATION OF MARCOS ASSASSINATION PLOT

REF: A. MANILA 4074

B. MANILA 4096

BEGIN SUMMARY: REINVESTIGATION OF MARCOS ASSASSINATION PLOT
BEGAN APRIL 3 WITH PRINCIPAL DEFENDENTS (INCLUDING LOPEZ,
OSMENA AND AMCIT LEHMAN) IN ATTENDANCE. PANEL HEADED BY
JUDGE ADVOCATE GENERAL SANTOS ALLOWED PROSECUTION TEN DAYS
TO FORMULATE NEW CHARGES AND DEFENSE AN ADDITIONAL FIF-
TEEN DAYS TO PREPARE COUNTER POSITION, AFTER WHICH GRAND JURY-
TYPE PROCEEDINGS WILL RESUME. PANEL ALSO AGREED TO FACILITATE
CONTACT BETWEEN DEFENSE LAWYERS TANADA AND DIOKNO AND CLIENTS
(INCLUDING LEHMAN) WHICH PREVIOUSLY PREVENTED BY MILITARY
CUSTODIANS. PANEL HEARD BUT DID NOT ACT ON DEFENSE REQUEST
THAT DEFENDANTS (WHO ALREADY DETAINED 28 MONTHS) BE RELEASED
PENDING REINVESTIGATION AND DETERMINATION WHETHER CRIME
(IF ANY) COMMITTED. AT THIS POINT IT OBVIOUS THAT LEGAL
PROCEEDINGS MAY DRAG ON FOR ADDITIONAL MONTHS. END SUMMARY.

1. PANEL TO REINVESTIGATE MARCOS ASSASSINATION PLOT
CONVENED AS SCHEDULED APRIL 3 WITH PRINCIPAL DEFENDANTS
(INCLUDING OSMENA III, LOPEZ, JR. AND AMCIT LEHMAN) IN
ATTENDANCE. FUNCTION OF PANEL, AS DEFINED IN PRESIDENTIAL
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INSTRUCTION 255, IS ROUGHLY SIMILAR TO GRAND JURY IN US

PRACTICE--TO DETERMINE WHETHER CRIME COMMITTED, AND IF SO, WHAT KIND, WHETHER DEFENDANTS PROBABLY GUILTY, AND WHAT CHARGES TO BE PREFERRED. RESULTS OF MORNING SESSION AS FOLLOWS:

A) PANEL ALLOWED PROSECUTION TEN DAYS TO SUBMIT PROPOSED CHARGES AND SUPPORTING AFFADAVITS IN WRITING. DEFENSE THEN ALLOWED FIFTEEN ADDITIONAL DAYS TO PREPARE COUNTER POSITION, AFTER WHICH PANEL WILL RECONVENE AND PROCESS OF HEARING TESTIMONY, CROSS-EXAMINATION, ETC. WILL BEGIN.

B) IN RESPONSE TO STRENUOUS PRESENTATION BY DEFENSE ATTORNYES (EX-SENATORS DIOKNO AND TANADA), CHAIRMAN OF PANEL (JUDGE ADVOCATE GENERAL SANTOS) AGREED TO ARRANGE FOR IMMEDIATE CONTACT BETWEEN DEFENSE ATTORNEYS AND CLIENTS WHICH PREVIOUSLY OBSTRUCTED BY MILITARY CUSTODIANS OF DEFENDANTS.

C) PANEL HEARD IMPASSIONED CLOSING PLEA FROM TANADA (ADDRESSED TO PRESIDENT MARCOS THROUGH PANEL) TO EFFECT THAT SINCE ADDITIONAL LENGTHY COURT PROCEEDINGS IN PROSPECT, OLD CHARGES AGAINST DEFENDANTS (I.E., THOSE BEING "REINVESTIGATED") SHOULD BE DROPPED AND DEFENDANTS RELEASED PENDING RESULTS OF REINVESTIGATION. TANADA ARGUED THAT "FILIPINO COMPATRIOTS AND ONE AMERICAN" ALREADY DETAINED 28 MONTHS IN COURSE OF INVESTIGATING CASE IN WHICH COMMISSION OF CRIME NOT YET LEGALLY ESTABLISHED. TANADA FURTHER ARGUED (AND PROSECUTION DENIED) THAT ALLEGED "CONFLICT" BETWEEN CIVILIAN AND MILITARY GOVERNMENT PROSECUTION LAWYERS REGARDING BASIC PARAMETERS OF CASE (WHAT KIND OF CRIME COMMITTED ETC.) SHOWED THAT DEFENDANTS BEING "ILLEGALLY DETAINED".

2. EMBOFF OBSERVING PROCEEDINGS HAD BRIEF CONVERSATION WITH LEHMAN WHO CONFIRMED THAT ALL PAPERS RELEVANT TO HIS DEFENSE SHOULD BE TURNED OVER TO DIOKNO (WHO ALSO PRESENT) OR HIS ASSISTANTS. LEHMAM SAID HE INSTRUCTED BY DIOKNO NOT TO MAKE ANY PUBLIC STATEMENTS ON CASE. BOTH LAWYER AND CLIENT SEEMED IN GOOD SPIRITS.

3. HEARINGS THOROUGHLY COVERED BY WIRE SERVICE REPS AND WELL ATTENDED BY BEVIES OF OSMENA/LOPEZ RELATIVES (IN-CONFIDENTIAL

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CLUDING PREPONDERANCE OF YOUNG, MODISHLY DRESSED SIBLINGS OF PRINCIPAL DEFENDANTS) WHO CLAPPED LOUDLY WHEN DEFENDANTS ENTERED HEARING ROOM AND AT SUBSEQUENT STATEMENTS BY TANADA/DIOKNO UNTIL POLITELY ASKED TO DESIST BY PANEL CHAIRMAN SANTOS.

4. COMMENT: WE ASSUME THAT PANEL WILL RECONVENE IN ROUGHLY ONE MONTH FOR WHAT PROMISES TO BE A VERY PRO-

TRACTED HAPPENING. GENERAL SANTOS WAS DIGNIFIED AND
TOLERANT PRESIDING OFFICER AND ATMOSPHERE WAS NOT ONE
OF KANGAROO COURT.
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